

26-38-2.6. Temporary exemption for certain restrictions on the use of e-cigarettes.

(1) The prohibition against the use of an e-cigarette in a place of public access does not apply if:

(a) the use of the e-cigarette occurs in the place of public access that is a retail establishment that sells e-cigarettes and the use is for the purpose of:

(i) the retailer of an e-cigarette demonstrating to the purchaser of the e-cigarette how to use the e-cigarette; or

(ii) the customer sampling a product sold by the retailer for use in an e-cigarette; and

(b) the retailer of e-cigarettes:

(i) has all required licenses for the possession and sale of e-cigarettes in a place of business;

(ii) does not permit a person under the age of 19 to enter any part of the premises of the retail establishment in which the e-cigarettes are sold; and

(iii) the sale of e-cigarettes and substances for use in e-cigarettes constitutes at least 75% of the establishment's gross sales.

(2) This section does not require a county or municipality to issue a license to a person to sell e-cigarettes.

(3) This section sunsets in accordance with Section 63I-1-226.

Enacted by Chapter 171, 2012 General Session